

REMARKS

The Office Action mailed June 24, 2004 has been received and reviewed. Claims 1-20 are in the case. Claims 1-3, 7-10, 12, and 13 stand rejected under 35 U.S.C. §102(b). Claims 4-6, 11, and 14-20 have been deemed to contain allowable subject matter.

By this amendment, claims 1-20 have been cancelled and claims 21-41 have been added. For the reasons set forth below, claims 21-41 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks, is respectfully requested.

Statement of the Substance of the Interview

Applicant expresses appreciation for the in-person interview granted by the examiner on August 6, 2004.

In the interview, Applicant, through counsel, argued the patentability of proposed claims 21-41 over the prior art of record and in particular, Petrosyan (U.S. Patent No. 5,711,286), Kunimoto (U.S. Patent No. 6,158,424), and Kotsiopoulos (U.S. Patent No. 5,913,303). Applicant explained that: (1) proposed claims 21-24 and 29-35 incorporated the allowable subject matter of previously "objected to" claims 4-6, 11, and 14-20; (2) proposed claims 25-28 presented new claims that included the limitations of the allowable claims except that they selectively removed certain elements deemed to contribute no patentable weight; and (3) proposed claims 36-41 were completely new and focused on limiting the recited structures to "paintball," "pepper," "marking," or other rupturing projectile guns exclusively.

In view of the discussion, the examiner acknowledged that, subject to further search, claims 21-27 and 29-41 appeared to distinguish over the prior art of record. However, with respect to claim 28, during the interview the examiner located another reference (Kunimoto, U.S. Patent No. 6,073,620) that he felt anticipated proposed claim 28. Finally, the examiner indicated he would consider arguments regarding the allowability of the proposed claims upon receipt of an official amendment by Applicant.

Objection to the Drawings

The Office Action objected to the drawings asserting that they did not illustrate "a retainer directly engaging at least one of the plurality of projectiles." It should be noted that neither before nor after amendment by the present paper did Applicant's claims recite a retainer "directly engaging at least one of the plurality of projectiles." Accordingly, it is improper to require modification of the drawings under 37 C.F.R. 1.83(a).

The Office Action also objected to the drawings asserting that they did not illustrate "the engagement of the release with the frame." This objection is now moot in that an engagement of a release with a frame is not recited in the claims as amended by the present paper.

Allowable Subject Matter

The Office Action deemed claims 4-6, 11, and 14-20 to contain allowable subject matter. Claims 4-6, 11, and 14-20 are cancelled by the present paper. However, the allowable subject matter of claims 4-6 has been incorporated into newly added claims 21-23, respectively. The allowable

subject matter of claim 11 has been incorporated into newly added claim 24. The allowable subject matter of claims 14-20 has been incorporated into newly added claims 29-35, respectively. Accordingly, immediate allowance of claims 21-24 and 29-35 is respectfully requested.

Rejection of Claims 1-3, 7-10, 12, and 13 Under 35 U.S.C. §102(b)

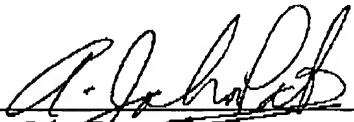
Claims 1-3, 7-10, 12, and 13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Petrosyan. By the present amendment, claims 1-3, 7-10, 12, and 13 have been cancelled avoiding the rejection, in order to capture the allowable subject matter and to present new claims 25-28 that include the limitations of the allowable claims except that they selectively remove certain elements deemed to contribute no patentable weight. Additionally, claim 28 has been changed from the form proposed during the interview of August 6, 2004. Claim 28 now recites "a plurality of spherical projectiles each formed as a spherical shell filled with one of a liquid, gelatinous substance, and powder" rendering it patentable over the prior art. Finally, claims 36-41 are completely new and focus on limiting the recited structures to "paintball," "pepper," "marking," or other rupturing projectile guns exclusively.

Applicant asserts that neither Petrosyan, Kunimoto, nor the other prior art of record render newly added claims 21-41. Reconsideration of all claims is respectfully requested. In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could

be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 12th day of August, 2004.

Respectfully submitted,


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